

REMARKS

In response to the USPTO's objection, the Abstract has been amended to conform to the presently claimed invention.

Claims 1-27 are before the Examiner. Independent Claim 1 has been amended as suggested by the Examiner (for which the Applicant is most appreciative) in response to the rejection under 35 USC 112, second paragraph, to correct transcriptions errors, to provide improved clarity and to defined R'. Support for the definition of R' can be found in the original specification at page 11, line 21 bridging to page 12, line 3.

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Also in response to this rejection the Applicant intends to make clear that Claims 2-4 have been deleted, thus changes thereto suggested by Examiner are no longer necessary.

In further response to this rejection, the Applicant elected to re-specify Group 10 metals in Independent Claim 1 rather than delete Claims 12-14 as being inconsistent with Independent Claim 1. To the extent the claimed invention is limited by specific formulae and an example is presented in the original specification (palladium) that demonstrates that catalyst compositions comprising a Group 10 metal are effective and viable, the Applicant believes any contention that Group 10 metals render the claimed invention overly broad (as presented in the Office Action mailed 11/7/01) is traversed by specific formulae limitations and the presented example. Conversely, the Applicant elected to delete Claims 25-27 as being inconsistent with Independent Claim 1.

In an Advisory Action, mailed November 12, 2002, the USPTO noted that Claims 5, 9, 12, 15 and 18 were dependent on cancelled claims. To obviate this objection, the Applicant amended Claims 5, 9, 12, 15 and 18 such that they all are dependent to Independent Claim 1.

The USPTO rejected Claims 1-27 under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art the inventor(s), at the time the application was filed, had possession of the claimed invention. In this rejection, the USPTO takes the position that there is no clear physical evidence that the cyclopropenyl rings of the present claims exist as cyclopropenyl rings in the neutral transitional metal compound.

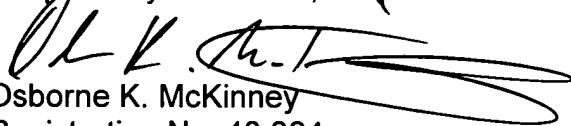
But the Applicant cannot understand this rejection in that she only intends to claim that which is supported and described in the original specification. The

Applicant believes the present claims only specify what is supported and described in the original specification. There is no difference between what was originally described and what is presently claimed, thus the Applicant clearly had possession of the claimed invention at the time the application was filed and believe no additional showing should be required. Perhaps an additional showing would be required if cyclopropenyl rings as set forth in the present claims were not known or thought to be nonexistent. But such is not the case, nor is such the USPTO's position as the USPTO merely suggests that some other form is known to exist; the USPTO does not take the position that cyclopropenyl rings as specified in the claims are not known to exist.

Moreover, the Applicant believes if other forms are embraced by the formulae or structures specified in the present claims and the original specification, she is entitled to claim the same as her invention. Also, the Applicant believes there should be no requirement to limit her invention to one form or the other when the presented formulae or structures represent known moieties and the formulae or structure themselves are definite and specific. Finally, if evidence of the kind suggested by the USPTO indicates that compounds of a different form are not embraced or represented by the formulae or structures specified in the present claims, then such compounds are simply outside the literal scope of the claimed invention and do not present an prosecution burden for the Applicant. To the extent the Applicant only intends to claims that which is supported and described by the original specification, this rejection should be withdrawn.

Accordingly, Applicant believes none of the amendments to the Abstract or claims add any new matter and respectfully request entry of amendments. Applicant also believes all the rejections have been obviated or traversed by the above amendments and/or remarks.

Respectfully submitted,


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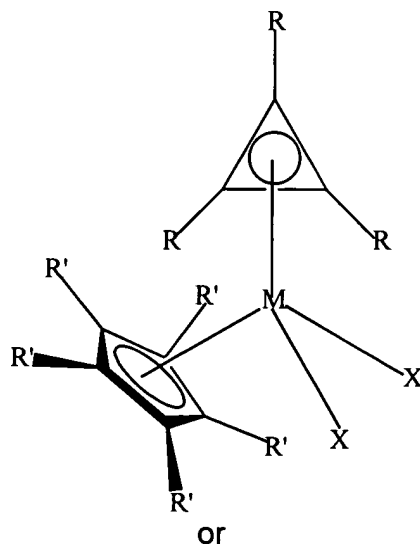
Version with markings to show changes made.**In the Abstract**

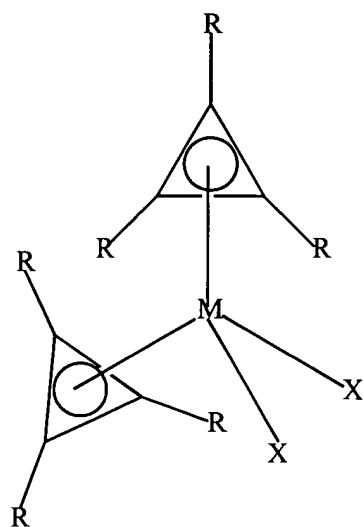
The paragraph at page 39, which constitutes the Abstract, has been amended as follows:

This invention is directed to cationic polymerization of olefins using catalysts comprising a [Group 3, 4, 5, 6, 8, or 10 transition metal cation composition wherein at least one ligand coordinated to the transition metal is a cyclopropenyl moiety] Group 4, 5, 6 or 8 neutral transition metal cation composition having a cyclopropenyl ring, a pi-bonded cyclopentadienyl ligand or cyclopentadienyl group-containing ligand and an amido or imido ligand. The [neutral transition metal compound catalyst] precursor of the neutral transition metal composition is activated to a catalyst state by exposure to an activator composition [which] that may be any of the heretofore known activator compositions such as alumoxane or a compatible non-coordinating anion (NCA).

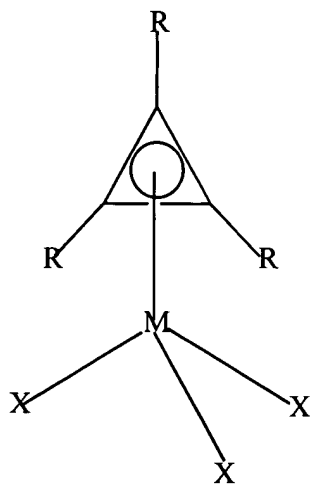
In the Claims - please amend as follows:

1. (Twice Amended) An olefin polymerization catalyst comprising a cationic complex that results from contact of a neutral transition metal compound to an activator composition wherein the neutral transition metal compound is represented by the following formula:





or



wherein each R and R' is a monodentate or a bidentate radical and is independently hydrogen, hydrocarbyl, substituted-hydrocarbyl, halocarbyl, substituted-halocarbyl, hydrocarbyl-substituted organometalloid, halocarbyl-substituted organometalloid, disubstituted boron, disubstituted pnictogen, substituted chalcogen or halogen, and when R or R' is a bidentate radical [itis form] it forms a C₄ to C₂₀ ring system with another R or R' to give a saturated or unsaturated polycyclic cyclopropenyl ligand or it [is form] forms a bridge between one cyclopropenyl ring and another cyclopropenyl ring or an X radical; one X is a pi-bonded cyclopentadienyl ligand or cyclopentadienyl group-containing ligand and another X is an amido or an imido radical and any remaining [each] X radical is [independently] a halide, hydride, hydrocarbyl, substituted hydrocarbyl, halocarbyl, substituted halocarbyl, and hydrocarbyl- and halocarbyl-substituted organometalloid, substituted pnictogen, or substituted chalcogen [and one X is a pi-bonded cyclopentadienyl ligand or cyclopentadienyl-derived ligand in that the ligand is obtained from cyclopentadienyl in one or more steps and one X is an amido or an imido radical]; and M is a Group [4, 5, 6 or 8] 4, 5, 6, 8 or 10 transition metal[, and m and n are integers of 1 or greater and m+n satisfies the valence of M].

5. (Amended) The olefin polymerization catalyst of claim [2] 1 wherein M a group 6 metal.

9. (Amended) The olefin polymerization catalyst of claim [3] 1 wherein M is group 8 metal.

12. (Amended) The olefin polymerization catalyst of claim [4] 1 wherein M is a group 10 metal.

15. (Amended) The olefin polymerization catalyst of claim [4] 1 wherein M is a group 5 metal.

18. (Amended) The olefin polymerization catalyst of claim [2] 1 wherein M a group 4 metal.